THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.4949 of 2000

Dt.11-7-2007

WP NO.4949/2000

1. Youth School of Nursing, represented by its Correspondent Imam Khasim, S/o Hussain Saheb, aged about 54 years, r/o Aravinda Nagar, Anantapur, and another.

..Petitioners

V.

1.The Government of Andhra Pradesh, represented by its Secretary, Medical & Health Department, Secretariat, Hyderabad and two others.

..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.4949 of 2000

-

ORDER

This writ petition is filed challenging Rule 11(i) of the A.P. General Training Nursing Institutions (Admission to general nursing training and grant of permission to provide schools of nursing) Rules, 1997 (for short "the Rules") issued in G.O.Ms.No.313 Health, Medical & Family Welfare (M-2) Department dt. 16-8-1977, wherein the fee of Rs.1000/- per head towards clinical attachment fee is levied by the Government to be paid by the petitioners-Nursing Schools.

A batch of writ petitions filed questioning the Rule 11 (1) of the Rules, were disposed of by this court by common order dt. 5-2-2001 in WP No.19061 of 1999 batch observing that sitting under Art.226 of the Constitution of India, this court is not inclined to fix the quantum of sum for availing the clinical attachment facility and it is for the Government to consider the same as the power is vested in it under Rule 11 of the Rules framed therein. In effect, the constitutional validity of the said rule has been upheld by the Division Bench of this court in the above judgement. However, the petitioners, who are granted permission, in the said writ petitions were permitted to file appropriate representation before the Government within a period of two weeks from the date of receipt of a copy of this order and on such receipt the Government shall consider the same in exercise of the power vested in it under Rule 11 read with G.O.Ms.No.611 dt. 13-12-1999 and pass appropriate orders within a period of two months thereafter. Until the said decision is rendered by the Government, if the petitioners had paid the fee at the rate of Rs.250/- per head per annum, payment of further amount shall not be insisted and collection of further amounts shall depend on the decision of the Government.

Following the same and for the reasons mentioned therein,

this writ petition is disposed of in terms of the judgment dt. 5-2-2001 rendered in WP No.19061/99 and batch. No costs.

A.GOPAL REDDY,J

Dt.11-7-2007
kmr